

REMARKS

Reconsideration of this application is respectfully requested.

Initially, the Examiner's attention is drawn to the fact that the amendment of claims 1, 17 and 32 submitted December 23, 1999 inadvertently failed to incorporate most of the amendments previously submitted by claim and line number on September 29, 1999. Accordingly, in an attempt to set the record straight, these claims have been set forth above in further amended form (with respect to the form appearing in the December 23, 1999 amendment).

In response to the rejection of claims 30, 31 and 55 under 35 U.S.C. §112, second paragraph, claim 30 has been amended to as to eliminate the "can be" language and thus obviate this formal objection.

The Examiner's attention is also drawn to the attached copy of a further prior art reference recently cited in a corresponding foreign application (namely International Publication No. WO 89/12835). A Form PTO-1449 is also attached together with the IDS fee for this stage of prosecution. Official consideration and citation as well as return of an initialled copy of the PTO Form 1449 is respectfully requested.

The Examiner is thanked for the provisional allowance of dependent claims 8, 11, 12, 39, 42, 43, 49, 50 and 52. These claims have all now been amended to self-standing independent and therefore allowed format by the above amendment. No further comment will be made with respect to these allowed claims.

The rejection of claims 1, 3-7, 9, 10, 13-17, 19-32, 34-38, 40, 41, 44-46, 51 and 53-56 under 35 U.S.C. §102 as allegedly anticipated by European patent application 0,345,818 is respectfully traversed.

For reasons such as those noted below, this reference cannot possibly anticipate (let alone suggest under 35 U.S.C. §103) the applicant's claimed invention.

For example, the Examiner relies heavily on the "running area code 64, representative of an area in which the vehicle 12 is running" referred to on column 8, lines 15 to 17 of the cited reference. However, the Examiner is having to read a great deal into those thirteen words. In the cited reference there is no specific disclosure of "means (in the fixed part) for determining the location of the mobile part in relation to a geographical overlay comprising a plurality of overlay areas, and means for transmitting information associated with an overlay area including the location of the mobile part" as required, for example, by claim 1. Indeed in the cited reference the provenance of the running area code is not mentioned. It does not appear to be generated by the roadside station, or indeed by any other part of the fixed system.

In fact, the location of the mobile unit is a trivial task in the cited reference because it is necessarily defined by the roadside station 10 currently adjacent to the vehicle in question. The system will only operate when the mobile part is in communication with a roadside station. There is therefore no need for defining overlay areas to identify which information is relevant to which mobile unit. The identities of the individual roadside stations will perform this function.

The purpose of the running code 64 in the cited reference is not at all clear. Neither its manner of generation nor its purpose is mentioned in the specification. The passage earlier in the

specification suggests that it may be used for paging purposes, in other words, to establish initial contact with the mobile unit. However, even if this is the case, the system does not select information associated with a given overlay area for transmission to the mobile part -- the paging area code would cover a much larger area. It is the identity of the roadside station which determines what information is transmitted.

There also is certainly no disclosure of, for example, claim 3, which requires that the geographical overlay is stored digitally and can be modified in response to changes in traffic situations. Similarly, there is no disclosure of claim 4 which requires the system to detect when the mobile unit moves from one overlay area to another. In the cited reference the system would only become aware of the change of area code 64 when the mobile unit is in communication with the central station through a roadside beacon. However, when it is in communication with a roadside beacon, its location is, of course, known to a fairly precise degree.

Comparison of the other claim language with the actual content of the cited reference also demonstrate that there can be no anticipation of any of the claims (independent let along dependent claims).

Accordingly, this entire application is now believed to be in allowance condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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